

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DOMINIQUE WARD,

Petitioner,

Case No. 15-cv-13071
Hon. Matthew F. Leitman

v.

TONY TRIERWEILER,

Respondent.

/

**ORDER DISMISSING PETITION FOR WRIT OF HABEAS CORPUS
WITHOUT PREJUDICE (ECF #1)**

On August 27, 2015, Petitioner Dominique Ward (“Ward”) filed a petition for a writ of habeas corpus under 28 U.S.C. § 2254 (the “Petition”). (ECF #1.) On March 7, 2016, Respondent Tony Trierweiler (the “Respondent”) filed a motion to dismiss the Petition on the basis that the Petition was untimely (the “Motion”). (See ECF #8.) Ward’s response to the Motion was due on March 31, 2016, but he did not file a response on or before that date. On April 21, 2016, the Court entered an Order requiring Ward to respond to the Motion no later than June 6, 2016 (the “April 21 Order”). (See ECF #10.) Ward, however, failed to file a timely response following the Court’s April 21 Order. To date, Ward still has not filed any response to the Motion or argued how or why the Petition is timely.

A district court may *sua sponte* dismiss a petition for a writ of habeas corpus pursuant to Rule 41(b) of the Federal Rules of Civil Procedure for failure to prosecute or to comply with an order from the court. *See Gravitt v. Tyszkiewicz*, 14 Fed. App'x 348, 349 (6th Cir. 2001) (affirming dismissal of habeas petition for petitioner's want of prosecution due to petitioner's failure to comply with district court's order to correct deficiency with application to proceed *in forma pauperis*); *see also Coats v. Curtin*, 2007 WL 1500108, at *1 (E.D. Mich. May 22, 2007) (dismissing habeas petition for failure to comply with court order directing petitioner to properly effectuate service). In this action, Ward has failed to comply with the Court's April 21 Order, despite the Court's warning that his "failure to respond to the Motion may result in dismissal of the Petition." (*See* ECF #10 at 1, Pg. ID 240.) Accordingly, **IT IS HEREBY ORDERED** that the Petition (ECF #1) is **DISMISSED WITHOUT PREJUDICE**.

s/Matthew F. Leitman

MATTHEW F. LEITMAN

UNITED STATES DISTRICT JUDGE

Dated: June 20, 2016

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on June 20, 2016, by electronic means and/or ordinary mail.

s/Holly A. Monda

Case Manager

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